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Attorneys for Plaintiff  
TINA BATES

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

TINA BATES, individually and on behalf  
of a class of similarly situated individuals,

Plaintiff,

v.

SENDME, INC., a Delaware corporation,

Defendant.

Case No. 08-5361 MEJ

**STIPULATION AND ~~[PROPOSED]~~ ORDER  
CONTINUING SENDME'S RESPONSE  
DATE TO THE CLASS ACTION  
COMPLAINT**

WHEREAS, on September 9, 2008, Plaintiff Tina Bates ("Bates") filed her Class Action Complaint ("Complaint") against Defendant SendMe, Inc. ("SendMe");

WHEREAS, on November 26, 2008, SendMe filed a Notice of Removal in the United States District Court for the Northern District of California;

WHEREAS, SendMe's response to the Complaint is currently due to be filed and served on or before December 5, 2008;

WHEREAS, counsel for both parties have conferred and agree that SendMe's deadline to respond to the Complaint should be continued for 60 days.

ACCORDINGLY, SendMe and Bates, by and through their counsel of record, hereby

1 stipulate that the deadline for SendMe to respond to the Complaint is continued until February 3,  
2 2009.

3 IT IS SO STIPULATED.

4 Dated: December 5, 2008

FENWICK & WEST LLP

6 By: /s/ Rodger R. Cole  
7 Rodger R. Cole

8 Attorneys for Defendant  
SENDME, INC.

9 Dated: December 5, 2008

KAMBEREDELSON, LLC

11 By: /s/ Myles McGuire  
12 Myles McGuire

13 Attorneys for Plaintiff  
14 TINA BATES

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
MOUNTAIN VIEW

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Rodger R. Cole, attest that concurrence in the filing of this document has been obtained from any signatories indicated by a “conformed” signature (/s/) within this e-filed document.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 5th day of December, 2008, at Mountain View, California.

FENWICK & WEST LLP

By: /s/ Rodger R. Cole  
Rodger R. Cole

Attorneys for Defendant  
SEND ME, INC.

**~~PROPOSED~~ ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: December 5, 2008

By:   
The Honorable Maria-Elena James  
United States Magistrate Judge

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
MOUNTAIN VIEW